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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,725	09/20/2000	Richard B. Himmelstein	HIM-PT009.1	6238

3624 7590 05/28/2004

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PHILADELPHIA, PA 19103

EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,725

Applicant(s)

HIMMELSTEIN, RICHARD B.

Examiner

Firmin Backer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 14th, 2004 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minton (U.S. PG Pub 2002/0091611 A1) in view of Roberts (U.S. PG Pub no. 2002/0013750)

4. As per claim 1, 5 and 6, Minton teaches a bartering system for implementing barter between a plurality of parties each having one or more classes of items available for barter (*data processing system (20) for allowing individual to buy and sell securities*) (see fig 1, 2, 3, page paragraph 0014) comprising means (*server, 316*) for creating a barter order (*buys and sell orders*) (fig 3, page 4 paragraph 0053) including means for designating a selected quantity (*quantity*) of a first class of items (*securities*) to be bartered (*to be traded*) (fig 3, page 4 paragraph 0053), means for designating a date range (*time*) for transferring title (*transmitting*

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title) of the selected quantity (*quantity of securities*) of the first class of items to be bartered whereby a barterer may elect to defer the transfer of title to the first class items to a time after the barter order is used to complete a barter transaction or elect to transfer title (*transmitting title*) along with the completion of such barter transaction (*see abstract, page 2 paragraph 0016, claim 16*), means for designating a barter value (*the price*) of the first class of items to be bartered (*fig 3, page 4 paragraph 0053*), and means for designating a second class of items (*securities*) to be acquired (*bought*) (*fig 3, page 4 paragraph 0053*) means for posting market value (*displaying order*) barter orders (*order to buy and sell*) via the internet (*public network*) to a barter database (*see figs 1, 3 page 4 paragraph 0055, 0056*), means for displaying (*display 96*) via the internet posted barter orders whose first class of items match the second class of items of a barterer's order (*see page 4 paragraph 0056*), and means for selecting (*matching and executing*) a posted barter order from the displaying means to effectuate a barter transaction which combines a barterer's barter order with the selected posted order (*paragraph 0057, 0069*). Minton et al fail to teach an inventive concept wherein class of item include real property and for automatically initiate transfer the deed of the real property. However, Roberts et al teach inventive concept wherein class of item include real property and for automatically initiate transfer the deed of the real property (*see paragraphs 0009, 0038, 0067, 0071*). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Minton to include Roberts et al inventive concept wherein class of item include real property and for automatically initiate transfer the deed of the real property because this would have provided an enhance flexible system.

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5. As per claim 2, Minton teaches a bartering system wherein real property includes real estate (*see fig 1, 2, 3, page paragraph 0014*).

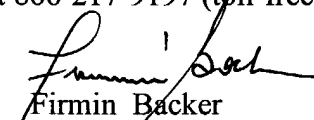
6. As per claim 3 and 4, Minton teaches a bartering system further providing additional information such as address, tax, assessed value physical feature and amenities regarding a real estate item (*see fig 1, 2, 3, page paragraph 0014*).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Firmin Backer
Primary Examiner
Art Unit 3621

May 19, 2004